Developing a
Return-to-Work Program
FOR THE WORKPLACE

A publication of
the Workplace Health, Safety
& Compensation Commission of
Newfoundland and Labrador

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NOTE

The information in this booklet is intended for general use and may not apply to every circumstance. It is not intended as a guide to government regulations and does not release the readers or return-to-work program participants from their responsibilities under applicable legislation. In this booklet, the Commission provides suggestions for the development of workplace return-to-work programs based on current literature. We cannot, however, assume liability for the application of the information presented herein.

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Introduction

The mandate of the Workplace Health, Safety and Compensation Commission is to promote and support safe workplaces in the province and assist employers and workers in preventing injuries and planning return-to-work programs, while providing a reasonable level of benefits to injured workers and their dependents based on reasonable assessment rates for employers.

Unfortunately, in spite of everyone's best efforts, workplace injuries still occur. When this happens, it is important for the workplace parties to focus on returning the injured worker to a safe and productive work environment as soon as medically possible.

This booklet should be used in conjunction with the Commission's publication on early and safe return-to-work, circulated December, 2001.

This booklet will:

- describe the benefits of a return-to-work program;
- outline the steps to developing a return-to-work program; and
- explain how to implement a successful program.

This booklet is intended to be a guide for the development of a return-to-work program. It will need to be modified depending on the employer's industry, size, structure, resources and existing return-to-work program, if applicable.

What is a return-to-work program?

A return-to-work program is a proactive approach to helping injured workers return to safe and productive work activities as soon as possible. It is a partnership involving employers, workers, health care providers, unions/worker representatives, occupational health and safety committees and the Commission, and is designed to minimize the impact of workplace injuries.

The primary goal of a return-to-work program is to return injured workers safely to their pre-injury jobs. However, this is not the only goal. A return-to-work program must also strive to return injured workers to the economic, social and vocational status they had prior to the injury.

Generally, individual return-to-work plans (within an overall return-to-work program) are designed for each injured worker as a short-term accommodation, working towards a common, primary goal - successful and safe return-to-work. Return-to-work plans have timeframes and schedules that are transitional and depend on the type of injury, physical abilities and limitations, skills, and pre-accident employment duties of the injured worker.

Why introduce a return-to-work program?

Workplace injuries, illnesses, and accidents are costly to employers, workers and the workers' compensation system. Although preventing injuries is the best way to protect workers and to control workers' compensation costs, employers and workers need a way to manage resources and workplace factors if injuries do occur.

A return-to-work program assures that the worker obtains prompt medical care both during the initial stages of recovery and during the subsequent return to productive, safe employment. This type of early intervention can maintain a positive connection to the workplace and alleviate many of the concerns and frustration experienced by injured workers. Workers want to maintain employment security by returning to work and respond well when employers offer them an opportunity to resume job responsibilities.

In Newfoundland and Labrador, the co-operation of the workplace parties (employers and workers) in the early and safe return-to-work of injured workers is required by law in the *Workplace Health, Safety and Compensation Act*. While a formal return-to-work program is not a legislative requirement, such a program can be helpful in assisting employers and workers to meet the co-operation and re-employment obligations of *the Act*.

A formal return-to-work program improves communication and clarifies roles and responsibilities of the participants involved. It also gives partners

access to a process (return-to-work plans) and assists in resolving any difficulties that may be encountered at the worksite during the return-to-work period.
In summary, the return-to-work program helps return workers safely to the workplace as part of their recovery program. This maximizes treatment while minimizing lost-time and the human and financial impact of injury to the worker, their family, the employer and society. Studies have shown that where return-to-work programs exist, costs associated with the workplace injury, both human and financial, are significantly reduced.

Benefits of a return-to-work program

An effective return-to-work program supports a "win-win" situation. All partners experience benefits from the program. The following outlines some of the advantages for each partner.

Benefits to injured workers

Most injured (or ill) workers recover and return to work promptly. For a small number of workers, however, the impact of a serious injury or illness can be devastating. Research and practical experience has shown that the longer an injured worker is absent from the workplace, the more difficult it is to return to work. A return-to-work program prevents long periods of absence from work and allows the injured worker to:

- maintain income;
- retain productive employment and security;
- maintain self-worth, family stability and social ties;

- maintain necessary job skills;
- retain CPP benefits and employment insurance eligibility;
- retain in-house pensions and benefit packages; and
- resume "normal" life activities sooner, with less uncertainty about the future.

Benefits to employers

A return-to-work program gives employers a way to manage workplace costs and improve worker benefits. Employers can create a safer, more co-operative and productive workplace. A return-to-work program helps employers to:

- reduce accident frequency;
- minimize workers' compensation costs;
- meet the co-operation and re-employment requirements of the *Workplace Health, Safety and Compensation Act*;
- minimize hiring or training costs;
- keep experienced employees;
- improve employee relations and boost morale;
- reduce employee turnover and lost-time;
- boost overall productivity and company image;
- involve the union (where applicable) in returning injured workers to the workplace;participate in the rehabilitation and return-to-work process; and
- develop return-to-work plans that may be used for work-related and non-work-related injury or illness.

Benefits to unions/worker representatives

Unions can benefit from a return-to-work program that:

- preserves jobs, seniority, and benefits, for workers/union members;
- promotes co-operative labour-management relations; and
- facilitates their participation in the return-to-work process.

These same benefits can be achieved in non-unionized environments.

Benefits to health care providers

Health care providers achieve:

- focused and co-ordinated treatment for the injured worker through the individual return-to-work plan; and
- more efficient use of health care resources directed toward the specific goal of return-to-work.

Benefits to the Commission

The Commission is responsible for facilitating the self reliance of the workplace parties and benefits through:

- better communication with workers and employers leading to improved client satisfaction and reduced claim costs;
- increased opportunity for safe and timely return-to-work of injured workers following an injury; and
- increased promotion of the benefits of return-to-work programs using disability management principles.

How to Develop a Return-to-Work Program

A return-to-work program can be introduced in large or small organizations and must have the commitment and involvement of both the employer and workers. This program should be developed in the workplace in advance of workplace injuries or illnesses as part of an overall health and safety program.

Step 1
Involve and communicate with employees

Once the employer has committed to creating a return-to-work program for the workplace, the involvement of employees and, where applicable, their union in assisting in the development of the program is absolutely critical.

Management should meet with union/worker representatives to discuss workplace issues regarding return-to-work following work-related and non-work-related injuries/illnesses. Here, the groundwork is laid for the creation of a program that will meet the needs of all parties.

Then the employer should meet with employees to explain the numerous impacts of workplace accidents, the creation of the return-to-work program, the responsibilities of return-to-work partners, and the benefits of return-to-work programs for everyone. At this stage, employees should be advised that a program is under development and will be created with employees' input and involvement.

Communication must continue throughout the creation and implementation of the return-to-work program.

Step 2
Organize a joint return-to-work committee

Building on the inaugural meeting in step one, a return-to-work committee should be formed to develop the full return-to-work program. This committee may also continue after the program has been developed to administer the ongoing return-to-work plans of individual workers and to make recommendations for the modification of the program.

The committee developing the program should have balanced representation from labour and management to reflect all concerns and interests. The size and composition of the committee will vary from employer to employer. The committee should be large enough to be reflective of the workforce yet small enough to operate efficiently. Occupational health and safety worker representatives or committee members may also be included on the return-to-work committee.

Once an injury occurs, the return-to-work team will be actively involved in meeting with the injured worker to develop the return-to-work plan, its goals and objectives. The post-injury team should consist of:

- the injured worker;
- the return-to-work co-ordinator(s);
- a worker/union representative;
- an employer representative (worker's supervisor);

- the health care provider (usually the worker's treating physician);
- occupational rehabilitation provider (e.g. occupational therapist, physiotherapist), if applicable; and
- the Commission staff (as appropriate to provide information).

Step 3
Select a workplace return-to-work co-ordinator(s)

The workplace return-to-work co-ordinator is the employer's primary representative on the return-to-work committee. This individual must be:

- objective and respected by employees;
- competent and knowledgeable of the workplace; and
- capable of co-ordinating return-to-work activities and working in a collaborative manner.

The co-ordinator functions can either be given to an existing employee or to a newly-created position. This function may be done by the owner/operator of the business or may already exist within the human resources department. Depending on the size of the employer and the number of injuries, this role may not require a full-time, dedicated resource(s).

Alternatively, the return-to-work co-ordinator functions could be shared jointly by co-chairs of the committee representing the employer and the workers/union.

Step 4
Evaluate the needs of the workplace

The first job of the return-to-work committee is to evaluate the needs of the workplace. The committee will:

- determine workplace attitude toward return-to-work, achieved through group discussion, informal conversations with staff, or formal surveys or focus groups;
- identify resources presently available for return-to-work including an occupational health nurse on-site, external resources such as occupational therapy services and an existing occupational health and safety committee/worker representative;
- estimate the level of support necessary for a successful return-to-work program;
- define the injury profile of the organization considering the following:
    - ✓ injury history (last three to five years)
    - ✓ type of injuries (e.g. back strain)
    - ✓ circumstances under which each injury occurred
    - ✓ trends in accident numbers (based on worker occupation)
    - ✓ high-risk occupations
    - ✓ repeat injuries
    - ✓ injury cost experience
    - ✓ number of injuries by shift.

The findings of the committee should be forwarded to management/owners in a report that:

- documents the findings;
- identifies additional resources required, and
- proposes a framework for the return-to-work program.

Step 5
Develop a return-to-work policy

Once the report of the return-to-work committee has been accepted by the employer, the employer can demonstrate its commitment to the program through the development of a formal return-to-work policy. The return-to-work policy should be:

- a formalized commitment to return-to-work in a written policy statement;
- a broad statement of the values and philosophy by which the program will operate;
- developed with input from all parties;
- approved and signed by union/worker representatives and the employer; and
- communicated to all staff.

The policy statement includes the company's commitment to maintain safe operations, and explains that if an injury occurs, the company will facilitate immediate medical care for an injured worker and co-operate in the worker's return-to-work.

Sample Policy Statement

This company is committed to preventing injuries and illnesses through the provision of a healthy and safe workplace.

This company and its workers have developed a co-operative and consistent program that uses modified work, rehabilitation, job placement and follow-up to ensure that ill, injured and disabled workers can remain at work or quickly return to productive and meaningful work.

It is the company's policy to make every reasonable effort to provide suitable alternate employment to an employee who is unable to perform his or her normal duties as a consequence of accident or injury.

Each department will attempt to accommodate employees who cannot perform the basic duties of their position. Where this is not possible, all departments will co-operate in meeting the company's policy of locating suitable alternate employment.

Step 6
Formulate program objectives, rules and processes

Building on the report of the committee and the policy statement, the next step is for the committee to develop the objectives of the program. Objectives may include:

- reduction of workplace accidents;
- returning injured workers to the pre-injury job;
- returning injured workers to alternate jobs; and
- improvement in staff morale and relations.

Rules and processes for the ongoing work of the committee may include:

- an immediate injury response procedure, linked to the injury reporting procedures of the occupational health and safety committee/worker representatives. This procedure must outline:
  - ✓ who informs the committee of an injury;
  - ✓ how injury forms are completed by the worker and employer; and,
  - ✓ the procedure for involving the worker and his/her immediate supervisor in modifying the pre-injury job so that the worker can continue to work or return to work;
- process for communication with the worker who loses time from work as a result of an injury, including who will make contact, using what method (personal meetings, telephone calls, letters, faxes, e-mails), at what frequency, etc.;
- process for ensuring the confidentiality of the worker's functional ability information including who has access to the information;
- development of return-to-work plans;
- implementation of return-to-work plans; and
- monitoring and follow-up procedures.

Step 7
Communicate, educate and promote

All employees and managers must be aware of the return-to-work program and understand what happens when an injury occurs. When a new program is launched, information packages for each employee will be helpful in ensuring that employees are aware of the program. The information package should:

- assist workers by answering questions on return-to-work programs;
- include information about -
  - ✓ assistance an employee may expect during return-to-work
  - ✓ worker responsibilities
  - ✓ return-to-work contact person;
- be discussed during staff orientation/meetings.

In addition to providing information about the return-to-work program during meetings and new employee orientation, the employer and return-to-work committee should use all opportunities for promotion, including internal newsletters, training sessions, posters and contests.

Supervisors and workers must also be educated about the needs of injured co-workers returning to the work environment. Other communication and education tips include:

- displaying posters of the return-to-work policy;
- providing sensitivity training to help co-workers understand the needs of the injured worker;
- providing support and education to the injured worker's family; and
- having the return-to-work team educate injured workers on their new tasks or modified jobs and the importance of staying within the health care provider's guidelines.

Step 8
Identify the essential duties of each job

Identifying the essential duties of every job as part of the return-to-work program is optional. However, agreeing on the essential duties of each job prior to injuries and the commencement of the return-to-work program could facilitate and expedite return-to-work through job modification.

If essential duties are not identified prior to an injury, they will need to be identified following the injury as part of the worker's return-to-work plan.

To determine the essential duties of a job, the workplace parties should review:

- how often each duty is undertaken;
- the proportion of time spent at each specific duty;
- the effect on the job outcome if a duty is removed;

- the effect on the process before or after a duty, if a duty is removed;
- the current and relevant job description, and
- the normal productivity expected in the job.

Step 9
Conduct a review of the physical demands of each position

Step 9 may be completed as part of the development of the return-to-work program; however, following an injury, this is an essential part of an individual worker's return-to-work plan to ensure that the proposed modified work is within the worker's functional abilities given the impact of the injury. Post-injury, the results of this review allow the return-to-work committee to match the worker's work capability or functional ability information to the physical demands of the job.

A physical demands review:

- includes collection of detailed information on physical work tasks for the job;
- allows jobs and work environments to be described so that hazards may be identified to lessen the chance of re-injury;
- may be conducted by the return-to-work committee, the occupational health and safety committee, other designated employees, or an external consultant such as a kinesiologist, occupational therapist or ergonomist; and

- must involve workers so they participate in their own physical demands review.

Conducting a review of the physical demands of all jobs would assist the employer to identify hazards before injuries occur. If you require more details on conducting this type of review, please contact the Commission.

Step 10
Evaluate and modify the program

After implementation of the return-to-work program, the employer and return-to-work committee must ensure it is being monitored and evaluated on an ongoing basis. The success of the program should be measured against its objective; therefore, it is important that return-to-work efforts are documented and reported frequently. The return-to-work program is a "living agreement" - adjustments and revisions should be made as appropriate.

Guidelines for Return-to-Work Plans

The following information should assist the workplace parties to use the return-to-work program to develop and monitor a return-to-work plan for an injured employee.

Injury occurs

Once an injury occurs, the employer must ensure that immediate first aid and/or medical assistance is provided for the worker. Both the worker and the employer must ensure early reporting to the Commission. The joint health and safety committee should investigate the accident and ensure that recommendations to prevent further occurrences are acted on. The return-to-work committee must be notified so that the return-to-work activities can begin.

Return-to-work activities

The co-ordinator(s) is the workplace representative who will direct the return-to-work activities. The co-ordinator should be familiar with the workers, their work environment and the tasks they perform. This individual will contact the injured employee or his/her family as soon as possible following the injury, usually within 24 hours, and offer support on behalf of the employer. Information is provided on benefits and return-to-work services to assist with the worker's re-employment. An expected return-to-work date is also

discussed, if appropriate, as well as completion of an early and safe return-to-work plan. This plan is based on the work capability information provided by the worker's health care provider and does not have to be approved by the health care provider unless the workplace parties wish to do so.

This initial contact with the worker or his/her family also allows an opportunity to establish the frequency and preferred method of future contact.

Participation in return-to-work

The injured worker has a responsibility to fully participate in recovery and return-to-work by attending medical appointments and following prescribed treatment, assisting in the development of a return-to-work plan, actively participating in the return-to-work plan, and maintaining regular contact with the co-ordinator. The employer has a responsibility to return the injured worker safely back to work by communicating with the worker, arranging modified work, accommodating the worker and monitoring the progress of the return-to-work plan.

It is recommended that both the co-ordinator and the injured worker keep a written log of all communication during the return-to-work process.

Role of union and worker representatives

Union and worker representatives contribute by participating in the development of a return-to-work plan to ensure that it is sensitive to the needs of the specific injured worker. They also represent the worker in matters of job security and re-employment, and promote positive attitudes, co-operation and support.

Role of the Commission

The Commission provides timely and effective case management services to each injured worker, ensuring that all medical management and return-to-work concerns are addressed. The Commission's case manager plays a co-ordination role between the injured worker, the workplace co-ordinator, union/worker representatives and health care providers. The case manager also advises the injured worker of his/her duties and responsibilities with respect to his/her claim, provides financial support as appropriate, arranges health, functional assessments, occupational rehabilitation, and labour market re-entry services, as required.

Role of health care providers

Physicians and/or chiropractors play an important role with return-to-work plans by making a diagnosis, providing or prescribing appropriate and effective treatment, making a realistic prognosis for recovery and return-to-work, and identifying the worker's work capabilities.

In the case of a more serious or complex workplace injury, occupational rehabilitation providers, such as occupational therapists or physiotherapists, may be actively involved in the worker's recovery from the injury. In such cases, and in cases where the workplace return-to-work co-ordinator requires additional functional abilities information, it is important that the occupational rehabilitation provider is involved in the worker's return-to-work plan.

Involvement of health care providers

In most cases, the return-to-work co-ordinator and the injured worker can use the work capability information from the physician/chiropractor in conjunction with the outline of the physical demands of the worker's pre-injury position to develop a return-to-work plan. The plan may be a full or gradual return to the worker's pre-injury position with or without modifications, or a return to other modified work that is available with the employer.

In situations where the workplace parties have difficulty matching the work capability information provided by the physician/chiropractor with the demands of the pre-injury job, the workplace parties may obtain the services of an occupational rehabilitation provider. This professional will be able to conduct a more detailed analysis of the worker's functional abilities and/or evaluation of the physical demands of the job.

Where the return-to-work team feels that additional information from the health care provider is required, the worker should be involved in obtaining that information. Workers must be educated on the requirements of the return-to-work program with respect to the provision of work capability information and should be involved in obtaining such information from their health care provider.

Worker's functional abilities information

According to the *Workplace Health, Safety and Compensation Act*, the Commission has the right to request information about an injured worker's work capabilities from a treating health care professional. The required information is provided by the health care provider on the Commission's form 8/10 completed by physicians and chiropractors. More detailed functional information can be obtained through a Functional Capacity Evaluation or via work conditioning and/or work hardening reports in cases where occupational rehabilitation is necessary to facilitate the worker's return to work. The purpose of obtaining an injured worker's functional abilities is to facilitate the worker's timely return to work.

[1] A functional capacity evaluation is a standardized, quantifiable and intensive examination which objectively measures a worker's current level of physical function and ability to perform functional or work-related tasks on a safe, dependable basis over a period of time. The evaluation includes an examination of pertinent clinical pathology, identification of client behaviours that interfere with performance as well as objective musculoskeletal, neuromuscular and biomechanical testing. The clinician interprets the data collected based on sound clinical judgment and competencies specific to the delivery of functional capacity evaluations.

Preliminary work capability information is an assessment of a worker's physical abilities conducted by the health care provider, (usually the treating family physician), which specifically addresses the broad job-related physical demands that most workers must perform. This provides "baseline" functional information for the employer and worker on which to:

- determine the individual's functional limitations;
- determine whether the individual needs further medical treatment or rehabilitation opportunities at the pre-injury worksite;
- determine whether the individual can perform full duties or participate in suitable and available employment; and
- determine whether the individual is ready to return to the essential duties of pre-injury employment after a work-related injury.

Employers and workers are encouraged to effectively use this information to expedite and manage the return-to-work process. Information on the Commission's form 8/10 will include limitations to the performance of normal duties, such as:

- use of upper extremities;
- lifting;
- standing;
- walking;
- sitting;
- bending, twisting or kneeling; and
- climbing stairs/ladders.

One of the primary goals of functional abilities information is to match an injured worker's work capability to a job or task, without causing risk of further injury.

Options for return-to-work

Modified work - If a worker is unable to perform all the duties of the job, the employer may change the job on a temporary basis to suit the worker's capabilities. This allows the injured worker to continue working while undergoing medical treatment. This is often combined with a reduction in hours of work.

Easeback to work - If a worker is unable to resume full duties after an injury, a worker can gradually increase the hours of work and duties. A worker can build up strength and tolerance during this temporary program, the end result being a return to full employment.

Trial work - A trial work period gives the worker, employer and health care provider an opportunity to see if an injured worker can safely perform all the duties of his/her job or some other job.

Accommodating the workplace - All employers are encouraged to accommodate the workplace in order to assist a worker in returning to work. Accommodations include modifications and assistive devices.

Modifications include:

- restructuring a job;
- acquiring or modifying equipment or devices;

- creating modified work schedules; and
- making facilities readily accessible to, and usable by, workers.

Assistive devices include:

- aids/attachments or appliances specifically designed for the worker and/or required by the worker to perform job-related activities.

Training on the job - the worksite may be used to train an injured worker in a new job. Work is performed under the supervision of a qualified worker and the program is intended as preparation for a specific job. This program is most effective if a job is available with the employer following the training period.

Key Points for Success

Here are some final thoughts on the key points for the success of a return-to-work program:

- promote a co-operative workplace environment where everyone plays a role in safety, injury prevention and return-to-work;
- encourage communication among all partners in the return-to-work process;
- present the return-to-work program as part of a benefit package; and
- evaluate and enhance the return-to-work program on a regular basis.

When developing a return-to-work plan for an injured worker, be sure to:

- design a list of clear steps to follow when an injury occurs;
- set up a contact schedule to monitor the progress and needs of the injured worker;
- have the injured worker assist in identifying suitable work;
- identify return-to-work opportunities early in the process;
- be positive and flexible in an injured worker's return-to-work plan - focus on capabilities rather than disabilities;
- make sure the return-to-work tasks are appropriate for the injured worker's capabilities;
- ensure the return-to-work plan has a progression of hours and/or duties and the Commission should be notified if progress is not evident;
- know when to involve occupational rehabilitation providers and/or ergonomic specialists in more complex situations; and
- ask the Commission for assistance.

The key to success of a return-to-work program is creating a partnership among workers, unions/worker representatives, employers, health care providers and the Commission, and having a shared commitment to the goal of returning injured workers to suitable employment in a safe and timely manner.

Contact Information

Employer Advisors
Two employers' advisors operating out of the offices of the Newfoundland and Labrador Employers' Council are available to provide independent assistance and advice to employers on appropriate legislation, policies, prevention and related matters. For further information please contact:

Newfoundland & Labrador Employers' Council
ATTN: Employers' Advisor
1062 Topsail Road
PO Box 31038
Mount Pearl NL A1N 4L5
Telephone: (709) 368-6532
Fax: (709) 368-6543

Commission
The Commission has resources available to provide further information and assistance on early and safe return-to-work legislation, programs and plans. Contact the Commission and ask to speak to the Early and Safe Return-to-Work Co-ordinator.

St. John's
Phone (709) 778-1000
Toll free 1-800-563-9000

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Phone (709) 489-1600
Toll free 1-800-563-3448

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